

Ex. 22

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JARI MCPHERSON, JERALD)
SAMS, AND DANIEL MARTINEZ,)
)
 Plaintiffs,)
) CIVIL ACTION
VS.)
) NO.: 1:20-cv-01223-DAE
TEXAS DEPARTMENT OF PUBLIC)
SAFETY,)
)
 Defendant.)

REMOTE ORAL DEPOSITION OF
JEREMIAH RICHARDS

11/18/2022

REMOTE ORAL DEPOSITION OF JEREMIAH RICHARDS,
produced as a witness at the instance of the
PLAINTIFFS, and duly sworn, was taken in the
above-styled and numbered cause on November 18, 2022,
from 1:10 p.m. to 6:05 p.m., via Zoom, before Vanessa
J. Theisen, CSR in and for the State of Texas,
reported by machine shorthand, pursuant to the
Federal Rules of Civil Procedure and any provisions
stated on the record or attached hereto.

<p style="text-align: right;">22</p> <p>1 Q. Okay. Do you have any recollection of any 2 of those events? 3 A. He did a few -- one for the agricultural 4 commission. I remember that event. There were 5 several others here and there. I know he went to the 6 Valley and the border and participated in an event 7 down there as well. 8 Q. Uh-huh. 9 A. I'm not sure if we made it to Mardi Gras 10 that year or if -- I cannot recall if we went to help 11 out in Galveston or not. 12 Q. Okay. 13 A. I know we did with motors, but I cannot 14 recall about mounted. 15 Q. Okay. Is that the extent of your 16 recollection of Mr. Sams participating in events or 17 representing the mounted unit there from Region 7, 18 sir? 19 A. Yes, sir. As well as funerals and Memorial 20 Day -- he's often at memorial events as well. 21 Q. Okay. And you -- as far as your 22 recollection goes, he performed well when executing 23 those duties and assignments, correct? 24 A. Yes, sir, to the best of my knowledge. 25 Q. Okay. So you just articulated some specific</p>	<p style="text-align: right;">24</p> <p>1 MR. MUNGO: Sams. 2 THE REPORTER: Sams, okay. "So you just 3 articulated some specific areas of caring for and 4 nurturing of horses that Mr. Sams was engaged in 5 while a member of the mounted unit. How would you 6 rank his level of skill in that regard with regard to 7 caring for horses?" 8 A. I would say that he ranked high. 9 Q. (BY MR. MUNGO) Ranked high. Is anyone else 10 that you recollect having skills -- a skill set for 11 caring for horses, sir, caring for and nurturing 12 horses, that would be ranked as high as 13 Mr. McPherson's skill level? 14 MR. HARRIS: Object to the form of the 15 question. You can answer. 16 Q. (BY MR. MUNGO) Not -- did I say Sams? Did 17 I say McPherson again -- I think I did -- for Sams? 18 A. Can you repeat the question? And are you 19 specific to the mounted unit? 20 Q. Yes, sir. 21 A. Actually, you don't have to repeat the 22 question. 23 Specific to the mounted unit, I know 24 Cynthia Sparks is also in the unit. I know she was 25 very well -- very capable and good at doing the job.</p>
<p style="text-align: right;">23</p> <p>1 areas of caring for and nurturing of horses that 2 Mr. McPherson was engaged in while a member of the 3 mounted unit. 4 How would you rank his level of skill in 5 that regard with regard to caring for horses? 6 MR. HARRIS: Object to the form of the 7 question. Hold on. Let me get my objection in. 8 THE WITNESS: Okay. 9 MR. MUNGO: I don't know. I think you 10 guys overtalked each other. Drew, you may have to do 11 that again. 12 MR. HARRIS: All right. Object to the 13 form of the question. I think you referenced 14 McPherson in the question. 15 MR. MUNGO: Oh, I did? Okay. Well, 16 see, I'm glad I asked you to clarify that one. So -- 17 and that can tend to happen when you have got more 18 than one client. 19 Q. (BY MR. MUNGO) So that question pertains to 20 Mr. Sams and not Mr. McPherson, sir. 21 A. Can you repeat the question? 22 MR. MUNGO: Court reporter, read it back 23 exactly, please. Except don't use "McPherson." 24 THE REPORTER: Whose name would you like 25 for me to use instead of McPherson?</p>	<p style="text-align: right;">25</p> <p>1 Dexter Freeman was fairly new to the unit, and George 2 Dominguez as well, so I don't know -- obviously, 3 usually Sams took the lead, along with Cynthia, and 4 the only other unit -- or member on that unit while I 5 was there during that time, he had left to go to 6 SWAT, so I didn't have any time to evaluate him. 7 Q. Okay, okay. So then you said Sams -- 8 Mr. Sams led that unit of those who were most highly 9 skilled. Is that correct? 10 A. Correct. 11 MR. HARRIS: Object to the form of the 12 question. 13 Q. (BY MR. MUNGO) Okay. And did you -- well, 14 first of all, who was it that designated Mr. Sams to 15 lead that unit of the most skilled personnel in the 16 mounted unit? 17 A. I do not know. I was not there at the time 18 of the selection. 19 Q. Okay, okay. But when you arrived in Region 20 7, Mr. Sams was still the person who was leading that 21 group of highly skilled individuals. Is that 22 correct? 23 A. No, sir, he was not. 24 Q. He was not. Who was leading that group at 25 that time?</p>

<p style="text-align: right;">26</p> <p>1 A. I believe Lieutenant Virgil Verduzco was 2 stepping into that role while an investigation was 3 concluding that initiated prior to my arrival, and 4 Sams was not allowed to supervise the unit until the 5 conclusion of that investigation. 6 Q. Okay. 7 THE REPORTER: Can you -- hang on. Can 8 you say the name again? 9 THE WITNESS: Virgil Verduzco, 10 Lieutenant. 11 THE REPORTER: Thank you. 12 Q. (BY MR. MUNGO) Okay. And we're going to 13 talk about that in just a moment, Captain. But I 14 want to go back and make sure the record is clear 15 with regard to your understanding and how you came to 16 the knowledge that Mr. Sams was one of the more 17 skillful persons with regard to the handling and 18 caring for the horses in that unit. 19 How did you come to that knowledge? 20 A. Watching him operate the horses themselves. 21 Also just from what I had heard, him being, you know, 22 well -- good at selecting the animals. He also was a 23 farrier and was able to trim the horse's hooves, 24 which not all riders can do. 25 Other than that, just speaking with him</p>	<p style="text-align: right;">28</p> <p>1 created a good portion of it, presented it to Victor 2 Taylor, who was the public informations officer 3 sergeant there at the facility at the capitol who 4 worked to tailor the draft to make corrections to it. 5 And we discussed and made several corrections over 6 the year I was there. And it doesn't look anything 7 like we started out with now, but... 8 Q. Okay. What kind of corrections was made to 9 Mr. Sams' original draft? 10 A. I can't recall. 11 Q. Okay. And so was Mr. Sams a part of that 12 ongoing process of editing that original draft? 13 A. As far as I know, him and Victor Taylor were 14 working together with my and Major Chris Jones's 15 input. 16 Q. Okay. So it would be accurate to state that 17 Mr. Sams was involved in developing that SOP from 18 beginning to end, correct? 19 A. No, sir. 20 Q. No? Tell me why. Explain to me why he was 21 not and at what point he ceased to become involved in 22 developing and perfecting that SOP. 23 A. Well, as I stated, the SOP to date, as I 24 have seen it, though I'm not over that unit, is much, 25 much larger and has been re-evaluated and revamped</p>
<p style="text-align: right;">27</p> <p>1 and hearing about his ideas and knowledge of the unit 2 in the mounted. 3 Q. Okay, okay. Did Mr. Sams ever engage in 4 helping to develop the protocol for the operation of 5 that mounted unit? 6 A. Yes, sir. He provided great input into the 7 initial draft of the SOP for the unit. 8 Q. So was this -- and for the record -- I think 9 I know what you mean when you say "SOP," but for the 10 record, can you explain what an SOP is? And then I 11 want you to talk about the SOP as it specifically 12 applied to and related to that mounted unit. 13 A. SOP stands for standard operating 14 procedures. And the SOP lays out specifically what 15 the unit does; its intent, its mission. 16 It also depicts how to care for the 17 animals, what will occur when certain things happen, 18 selection of members of the unit, and selection of 19 the horses for the unit. 20 Q. Okay. And prior to Mr. Sams -- how was that 21 SOP, by the way? Have you ever had a chance to read 22 it? 23 A. I did. 24 Q. And what was your opinion of that SOP? 25 A. We read over it and, working with Jerald,</p>	<p style="text-align: right;">29</p> <p>1 many times. So to say he was part of it until it was 2 perfected is inaccurate in the fact that it is much 3 more in depth now and much, much better product now 4 than it started out in its inception. 5 Q. I see, I see. And still undergoing some 6 edits, I would imagine, and improvements? 7 A. I'm sure. 8 Q. Okay, all right. So do you know how 9 Mr. Sams became involved in first developing the 10 draft of that SOP? 11 A. As the corporal over the unit, of course we 12 requested his input on the initial draft. But there 13 were changes that we made that we tended to attempt 14 to mirror -- the canine SOP, which was already 15 established and approved -- in order to ensure that 16 we were covering all bases that needed to protect the 17 personnel on the unit, the animals themselves, and 18 the department as well. 19 Q. So if I understand your testimony correctly, 20 you were not there when Mr. Sams first began work on 21 the initial draft of the SOP for the mounted unit, 22 correct? 23 A. I do not know when -- if he first supplied 24 the initial draft while I was there or if I had just 25 come into, again, helping to edit it upon my arrival.</p>

<p style="text-align: right;">30</p> <p>1 I cannot recall.</p> <p>2 Q. I understand. Do you know how long</p> <p>3 Mr. Sams -- up to the point which you arrived, how</p> <p>4 long Mr. Sams had been a member of that mounted unit?</p> <p>5 A. I do not know off the top of my head, no.</p> <p>6 Q. Okay. Did it ever -- had anyone ever</p> <p>7 discussed with you why Mr. Sams was running point on</p> <p>8 developing that SOP?</p> <p>9 A. Other than him being the corporal over the</p> <p>10 unit and very experienced, no, sir.</p> <p>11 Q. Okay, okay. And at that point in time, he</p> <p>12 had -- well, strike that.</p> <p>13 There came a time in which the TSP</p> <p>14 determined that there need be a sergeant placed in</p> <p>15 charge of that mounted unit. Is that correct?</p> <p>16 A. Who determined?</p> <p>17 Q. The Texas state police.</p> <p>18 A. Okay. I'm sorry. We don't --</p> <p>19 MR. HARRIS: Object to the form of the</p> <p>20 question. Are you referring to DPS?</p> <p>21 MR. MUNGO: Department of public safety?</p> <p>22 The Texas state police?</p> <p>23 THE WITNESS: We are not generally</p> <p>24 referred to as Texas state police. Texas Department</p> <p>25 of Public Safety or Texas Highway Patrol.</p>	<p style="text-align: right;">32</p> <p>1 A. Not separate and apart. We provide them</p> <p>2 with the position that we want posted, and they post</p> <p>3 it.</p> <p>4 Q. Okay. So how much input did you have in</p> <p>5 developing the description for that particular</p> <p>6 position, sergeant supervisor over the mounted unit?</p> <p>7 A. Some.</p> <p>8 Q. Okay. Can you articulate into the record,</p> <p>9 sir, what your role was and how much input you had in</p> <p>10 that process?</p> <p>11 A. Basically, we advised them we had a position</p> <p>12 open for sergeant mounted, and we advised them that</p> <p>13 it would be a two-year commitment upon selection.</p> <p>14 Q. Okay.</p> <p>15 A. As well as the specifics spelled out in the</p> <p>16 standard operation procedures of an evaluation</p> <p>17 process that would take place. The rest of the</p> <p>18 verbiage is typically inputted by human resources.</p> <p>19 Q. Okay. Correct me if I'm wrong, but at that</p> <p>20 time you were also a district commander over the</p> <p>21 canine unit for Region 7?</p> <p>22 A. Yes, sir.</p> <p>23 Q. During that same period of time, correct?</p> <p>24 A. Yes, sir. They're part of the same</p> <p>25 district.</p>
<p style="text-align: right;">31</p> <p>1 MR. MUNGO: Okay. DPS.</p> <p>2 Q. (BY MR. MUNGO) So answer the question as it</p> <p>3 relates to the DPS.</p> <p>4 A. Can you read the question, please?</p> <p>5 MR. MUNGO: Ma'am Court Reporter, could</p> <p>6 you read that back, please.</p> <p>7 THE REPORTER: Okay. Would you like for</p> <p>8 me to replace DPS for TSP?</p> <p>9 MR. MUNGO: Yes.</p> <p>10 THE REPORTER: Okay. "There came a time</p> <p>11 in which the DPS determined that there need be a</p> <p>12 sergeant placed in charge of that mounted unit. Is</p> <p>13 that correct?"</p> <p>14 A. Correct.</p> <p>15 Q. (BY MR. MUNGO) And were you there when the</p> <p>16 postings for promoting into that sergeant position</p> <p>17 was posted by the DPS?</p> <p>18 A. I was.</p> <p>19 Q. Okay. Do you know who developed the</p> <p>20 postings, the content of the posting, who was</p> <p>21 responsible for that?</p> <p>22 A. Our human resources promotions division.</p> <p>23 Q. Okay. And did they develop those postings</p> <p>24 separate and apart from the input of the district</p> <p>25 commander?</p>	<p style="text-align: right;">33</p> <p>1 Q. Okay. During that period of time, had you</p> <p>2 posted any opportunities for a promotion to a</p> <p>3 sergeant position for the canine unit?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. Were you there in the capacity of</p> <p>6 district commander over Region 7 when any postings</p> <p>7 for promotion into the position of sergeant for the</p> <p>8 canine unit?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. Were you aware of what the criteria</p> <p>11 was for promotion into the sergeant position for the</p> <p>12 canine unit?</p> <p>13 A. While I have seen such postings throughout</p> <p>14 my career, I do not recall.</p> <p>15 Q. Okay, no problem. But you are aware and</p> <p>16 familiar with the posting for the sergeant position</p> <p>17 for the canine unit, correct?</p> <p>18 A. I'm not understanding your question.</p> <p>19 Q. During the time you served as district</p> <p>20 commander in Region 7, you were there when a position</p> <p>21 was posted for a promotion into the -- a position of</p> <p>22 sergeant to supervise a canine unit. Is that -- not</p> <p>23 the canine unit. I'm sorry -- the mounted unit,</p> <p>24 correct?</p> <p>25 A. Yes, sir.</p>

<p>78</p> <p>1 situations that were provided as examples that placed</p> <p>2 him in the capacity of a supervisor, i.e., acting</p> <p>3 sergeant at times.</p> <p>4 Q. Uh-huh.</p> <p>5 A. As well as the current rank of corporal at</p> <p>6 the time of board process. All those things are --</p> <p>7 can be taken into consideration by a specific board</p> <p>8 member and was taken into consideration by me</p> <p>9 specifically.</p> <p>10 Q. Anything else other than those three items?</p> <p>11 And let me just do my checklist here. So far you</p> <p>12 have got years of experience; Mr. Davenport more</p> <p>13 favorable. Educational experience; Mr. Davenport</p> <p>14 more favorable; and the fact that he was a corporal?</p> <p>15 A. Yes, sir. And is a -- yes, sir, yes, sir.</p> <p>16 Q. Were there any other factors that caused you</p> <p>17 to say, "I am pulling for and I favor Mr. Davenport</p> <p>18 to fill this sergeant position over the mounted</p> <p>19 unit," other than the three items that you just</p> <p>20 mentioned?</p> <p>21 A. Also the fact that he was there at the</p> <p>22 inception of the mounted unit and helped start the</p> <p>23 mounted unit itself. He was never a member but</p> <p>24 actually was there in selection of locations, horses,</p> <p>25 and just did not stick with the mounted unit because</p>	<p>80</p> <p>1 A. Of the entire unit itself, I do not know who</p> <p>2 was all selected --</p> <p>3 Q. I see.</p> <p>4 A. -- and the purposes, I was not present for</p> <p>5 those conversations.</p> <p>6 Q. I see. So you learned this about</p> <p>7 Mr. Davenport at the -- during the selection process?</p> <p>8 A. Yes, sir, during the board --</p> <p>9 Q. Okay. That he was at the beginning. Did</p> <p>10 you learn the same thing about Mr. Sams during the</p> <p>11 selection process, that he was there at the beginning</p> <p>12 and championed the creation, the first draft of the</p> <p>13 standard operating procedure for the mounted unit?</p> <p>14 A. The creation of the SOP, or assisting in the</p> <p>15 creation of the SOP, was captured in his HR-113 as</p> <p>16 one of his examples, yes.</p> <p>17 Q. Okay. So he had the same -- on that note,</p> <p>18 at least, he had the same if not more experience than</p> <p>19 Mr. Davenport. Would that be fair to say, the same</p> <p>20 or more?</p> <p>21 A. Experience in what, sir?</p> <p>22 Q. In what you said you gave Mr. Davenport more</p> <p>23 credit for.</p> <p>24 A. In leadership? No, sir.</p> <p>25 Q. No, no, no, no, no, no. About being there</p>
<p>79</p> <p>1 they would request that he lose his corporal stripes</p> <p>2 as you don't -- when you transfer between areas, you</p> <p>3 don't automatically keep your corporal position. You</p> <p>4 have to relinquish that when you go to a new area and</p> <p>5 go through a different selection process for corporal</p> <p>6 in that specific area. And he did not want to</p> <p>7 relinquish his corporal stripes, therefore, he</p> <p>8 maintained the position of corporal in the area he</p> <p>9 was at the capitol, so.</p> <p>10 But he had participated in the creation,</p> <p>11 selection and building up of the mounted unit at the</p> <p>12 in the beginning.</p> <p>13 Q. Along with Mr. Sams?</p> <p>14 A. Again, I don't -- I'm not sure if Jerald was</p> <p>15 part of that initial process, but I know that</p> <p>16 Davenport had been and that he participated in that</p> <p>17 process in the beginning.</p> <p>18 Q. I thought you didn't know or have any facts</p> <p>19 pertaining to the beginning process of that mounted</p> <p>20 unit.</p> <p>21 A. Other than that.</p> <p>22 Q. Have I misunderstood your testimony?</p> <p>23 A. Other than Davenport's experience that he</p> <p>24 expressed during the board process.</p> <p>25 Q. Oh, I see. I see.</p>	<p>81</p> <p>1 at the beginning of the mounted unit and contributing</p> <p>2 to its growth and development.</p> <p>3 A. Yes, sir, having experience with the mounted</p> <p>4 unit in the beginning, yes, sir.</p> <p>5 Q. And so your testimony here today is that</p> <p>6 Mr. Davenport beat Mr. Sams out in terms of amount of</p> <p>7 experience and the time in that unit. Is that</p> <p>8 correct?</p> <p>9 MR. HARRIS: Objection to the form of</p> <p>10 the question.</p> <p>11 A. To answer your question, no, sir. There's</p> <p>12 two separate things there.</p> <p>13 Q. (BY MR. MUNGO) Okay. Well, can you address</p> <p>14 the two separate things?</p> <p>15 A. Jerald Sams was a tenured member of the</p> <p>16 mounted unit, yes. He presented and partook in the</p> <p>17 initial creation and starting of the mounted SOP,</p> <p>18 yes, but that does not mean that either one had any</p> <p>19 favorable, one or the other, for that. Each one is</p> <p>20 different. It's a totality of the circumstances when</p> <p>21 dealing and comparing each one.</p> <p>22 The fact that Davenport had experience</p> <p>23 with the horses, was able to work with the horses,</p> <p>24 and was there at the creation of the mounted unit</p> <p>25 itself, accompanied with his leadership experience,</p>

<p>162</p> <p>1 events that he participated in? We mentioned some 2 earlier: Going to schools, et cetera. 3 A. Yes, sir. 4 Q. As the commander of the mounted patrol, how 5 many of those events did you attend? 6 A. I don't recall the number. 7 Q. Okay. As the commander of the mounted 8 patrol -- okay. So I can strike that one. 9 Would you agree that the -- well, was 10 there ever a sergeant that was a motorcycle unit 11 supervisor appointed to oversee the mounted unit? 12 A. Yes, sir. 13 Q. Okay. And did they train horses? 14 MR. HARRIS: Object to the form of the 15 question. 16 Q. (BY MR. MUNGO) Did that person train 17 horses? 18 A. No. 19 Q. Did they train the personnel? 20 A. No, sir. 21 Q. Did they evaluate new horses? 22 A. No, sir. 23 Q. Did they provide medical care for the 24 horses? 25 A. No sir.</p>	<p>164</p> <p>1 A. As stated previously, upon my arrival, he 2 was -- the investigation -- the outcome of the 3 investigation was concluded, but the determination of 4 what that was going to entail had not been concluded 5 until Ron Joy's termination, indicated by his letter. 6 So during that time, that month, month and a half, 7 however long it was, upon my arrival he was not 8 allowed to interact with the mounted unit. 9 Q. Okay, all right. And you had to escort 10 him -- he was ultimately sent back to the mounted 11 unit because he was the only one that could perform 12 certain tasks that required the skills that he had, 13 so he was sent back to the mounted unit. Isn't that 14 correct? 15 A. During that time he was allowed to return to 16 the facility to trim the hooves for the horses as we 17 did not have a farrier contracted, and he had the 18 expertise to do so. 19 Q. And there was no one else in the mounted 20 unit that could do that, correct? 21 A. Correct. 22 Q. Okay. And you had to escort him when he 23 went back to the unit to perform that -- those 24 functions, correct? 25 A. Any one of -- either myself or the</p>
<p>163</p> <p>1 Q. Did they acquire new horses? 2 A. No, sir. 3 Q. Did they fill out donor information? 4 A. No, sir. 5 Q. Did that person write proposals for new 6 mounted equipment? 7 A. No, sir. 8 Q. Did that person evaluate personnel? 9 A. No, sir. 10 Q. Did that person draft the mounted SOP? 11 A. Actually, the previous question, yes, sir, 12 he did the evaluation process, performance 13 evaluation, on those individuals, as they were the 14 sergeant over that unit. 15 To your second question, no, they did 16 not do the SOP. 17 Q. Can you name an occasion in a mounted patrol 18 situation that Trooper Sams was not in charge while 19 you were captain? 20 MR. HARRIS: Object to the form of the 21 question. 22 A. As stated before, on -- what? 23 MR. HARRIS: Object to the form of the 24 question. 25 Q. (BY MR. MUNGO) Did you say --</p>	<p>165</p> <p>1 lieutenant or the major could have. I was available, 2 so I went. 3 Q. Who else participated in escorting him? Was 4 that Lieutenant Virgil -- I'll pronounce his name 5 right -- Verdu -- 6 A. Verduzco. 7 Q. Yes. He and yourself would escort Mr. Sams 8 when he went back to perform those functions at the 9 mounted unit, correct? 10 A. Correct. 11 THE REPORTER: Okay. Somebody say the 12 name again for me. Virgil? 13 THE WITNESS: Verduzco. 14 THE REPORTER: Thank you. 15 Q. (BY MR. MUNGO) Was Trooper Sams called upon 16 to provide expert testimony on mounted operations in 17 different situations? 18 A. I do not recall that he was ever requested 19 to do expert testimony. 20 Q. What about talking to legal and horse 21 donors? 22 A. Horse donors, yes. Legal, I do not recall. 23 He more than likely was part of that conversation on 24 the selection, and we did evaluate one horse that I 25 remember attending the evaluation of.</p>

<p style="text-align: right;">166</p> <p>1 Q. Okay, okay. Who else would perform that</p> <p>2 function in such a way that the DPS would have as</p> <p>3 much confidence in them as they did in Sams?</p> <p>4 A. At that time it would have been Jerald Sams.</p> <p>5 Q. It would have been just Jerald Sams, right?</p> <p>6 Okay.</p> <p>7 A. I believe Cynthia Sparks went along, but I</p> <p>8 believe he took the lead on most of that.</p> <p>9 Q. What is your definition of leadership,</p> <p>10 supervisor, and instructor?</p> <p>11 MR. HARRIS: Object to the form of the</p> <p>12 question.</p> <p>13 A. I believe those are three different --</p> <p>14 requires three different definitions.</p> <p>15 Q. (BY MR. MUNGO) Okay.</p> <p>16 A. A leader is somebody that influences others</p> <p>17 to accomplish by setting the example, providing</p> <p>18 accurate information and guidance.</p> <p>19 A supervisor is someone that just</p> <p>20 manages the process and gets things done, schedules,</p> <p>21 so forth and so on.</p> <p>22 And a trainer is just somebody who just</p> <p>23 simply trains -- or an instructor, I believe, is</p> <p>24 what -- instructor/trainer is somebody that does just</p> <p>25 that.</p>	<p style="text-align: right;">168</p> <p>1 I'm sorry.</p> <p>2 MR. HARRIS: All right. It's just about</p> <p>3 6:00. I don't know if the court reporter still has</p> <p>4 a --</p> <p>5 THE REPORTER: Yes, I do.</p> <p>6 MR. HARRIS: -- a conflict.</p> <p>7 MR. MUNGO: Okay. So we're -- yeah,</p> <p>8 we're just about there. Hold on just a second here.</p> <p>9 Let me see if we can move this. I'm eliminating a</p> <p>10 lot of questions we've already asked here, just</p> <p>11 taking a moment. Hold on.</p> <p>12 Q. (BY MR. MUNGO) Would you agree that the</p> <p>13 mounted patrol is a specialized unit?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you agree that you would have to obtain</p> <p>16 a specialized skill set to function in that unit,</p> <p>17 correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Did you tell Trooper Sparks that she didn't</p> <p>20 have to note in detail Davenport's deficiencies?</p> <p>21 A. I do not recall.</p> <p>22 Q. Okay. All right. So do you have copies of</p> <p>23 the -- do you recall the accolades in the form of</p> <p>24 emails, letters, in regards to Trooper Sams where you</p> <p>25 commended him on his job performance?</p>
<p style="text-align: right;">167</p> <p>1 Q. Do you believe that Mr. Sams had those</p> <p>2 traits?</p> <p>3 A. I believe he was challenged in his</p> <p>4 leadership capabilities indicated by the</p> <p>5 investigation and the subsequent demotion, and those</p> <p>6 are things he needed to overcome through training and</p> <p>7 initiative.</p> <p>8 Q. But the investigation was never sustained,</p> <p>9 correct? I mean, the investigation never sustained</p> <p>10 the complaint against Sams, correct?</p> <p>11 A. Correct, it did not sustain the complaint of</p> <p>12 racial discrimination. However, it did have the</p> <p>13 additional findings that leadership and communication</p> <p>14 was a problem for him and that he needed to seek</p> <p>15 additional training to overcome that.</p> <p>16 Q. Okay. But there was never any complaint</p> <p>17 against him for those things, correct?</p> <p>18 MR. HARRIS: Object to the form of the</p> <p>19 question.</p> <p>20 A. Not specifically to my knowledge.</p> <p>21 Q. (BY MR. MUNGO) Okay. You said not to your</p> <p>22 knowledge?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Did you talk to Major Chris Jones in</p> <p>25 regards to mounted -- no, I already asked you that.</p>	<p style="text-align: right;">169</p> <p>1 A. I do.</p> <p>2 Q. Okay. And I think we may have them, but, if</p> <p>3 not, could you provide them to your attorney?</p> <p>4 A. Any of those emails would have been part of</p> <p>5 his personal -- his personnel file.</p> <p>6 Q. Personnel file, okay. And then the last</p> <p>7 question is, do you feel Trooper Sams is a large part</p> <p>8 of the success of the mounted unit?</p> <p>9 A. At that time, yes.</p> <p>10 Q. Okay. All right. Well, it was at that time</p> <p>11 because he has no longer been part of the unit,</p> <p>12 correct?</p> <p>13 A. Currently he is not.</p> <p>14 Q. Okay. And when you say "at that time," you</p> <p>15 mean the time that he was part of the unit, correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right.</p> <p>18 MR. MUNGO: Madam Court Reporter, if you</p> <p>19 can give me just a couple of seconds. Give me about</p> <p>20 two minutes, please, okay? Give me about two</p> <p>21 minutes. All I need is two minutes.</p> <p>22 THE REPORTER: Off the record at 6:03.</p> <p>23 (Brief pause.)</p> <p>24 THE REPORTER: Back on the record. Did</p> <p>25 you want to say something, Mr. Mungo?</p>

<p>170</p> <p>1 MR. MUNGO: No, Mr. Harris did.</p> <p>2 MR. HARRIS: Do you pass the witness?</p> <p>3 Are you done?</p> <p>4 MR. MUNGO: Yes. I'm sorry. Yes, pass</p> <p>5 the witness.</p> <p>6 MR. HARRIS: Then we will request that</p> <p>7 the witness be given the opportunity to review and</p> <p>8 sign the transcript and reserve the rest of our</p> <p>9 questions for trial.</p> <p>10 MR. MUNGO: Okay. Thank you, sir.</p> <p>11 (Deposition concluded at 6:05 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>172</p> <p>1 I, JEREMIAH RICHARDS, have read the</p> <p>2 foregoing deposition and hereby affix my signature</p> <p>3 that same is true and correct, except as noted above.</p> <p>4</p> <p>5 _____</p> <p>6 JEREMIAH RICHARDS</p> <p>7 THE STATE OF _____)</p> <p>8 COUNTY OF _____)</p> <p>9 Before me, _____, on this day</p> <p>10 personally appeared JEREMIAH RICHARDS, known to me</p> <p>11 (or proved to me under oath or through</p> <p>12 _____) (description of identity card or</p> <p>13 other document) to be the person whose name is</p> <p>14 subscribed to the foregoing instrument and</p> <p>15 acknowledged to me that he executed the same for the</p> <p>16 purposes and consideration therein expressed.</p> <p>17</p> <p>18 Given under my hand and seal of office, this</p> <p>19 _____ day of _____, _____.</p> <p>20</p> <p>21 _____</p> <p>22 NOTARY PUBLIC IN AND FOR</p> <p>23 THE STATE OF _____</p> <p>24 My commission expires: _____</p> <p>25 _____ No Changes Made _____ Amendment Sheet(s) Attached</p>
<p>171</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME: JEREMIAH RICHARDS</p> <p>3 DATE OF DEPOSITION: NOVEMBER 18, 2022</p> <p>4 PAGE LINE CHANGE REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	<p>173</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>3 AUSTIN DIVISION</p> <p>4 JARI MCPHERSON, JERALD)</p> <p>5 SAMS, AND DANIEL MARTINEZ,)</p> <p>6)</p> <p>7 Plaintiffs,)</p> <p>8) CIVIL ACTION</p> <p>9 VS.)</p> <p>10) NO.: 1:20-cv-01223-DAE</p> <p>11 TEXAS DEPARTMENT OF PUBLIC)</p> <p>12 SAFETY,)</p> <p>13)</p> <p>14 Defendant.)</p> <p>15</p> <p>16</p> <p>17 REPORTER'S CERTIFICATION OF THE ORAL</p> <p>18 DEPOSITION OF JEREMIAH RICHARDS</p> <p>19 NOVEMBER 18, 2022</p> <p>20</p> <p>21 I, Vanessa J. Theisen, a Certified</p> <p>22 Shorthand Reporter in and for the State of Texas,</p> <p>23 hereby certify to the following:</p> <p>24</p> <p>25 That the witness, JEREMIAH RICHARDS, was</p> <p>26 duly sworn by the officer and that the transcript of</p> <p>27 the oral deposition is a true record of the testimony</p> <p>28 given by the witness;</p> <p>29</p> <p>30 That the original deposition was delivered</p> <p>31 to Mr. Drew Harris to obtain witness's signature.</p> <p>32</p> <p>33 That a copy of this certificate was served</p>

<p>174</p> <p>1 on all parties and/or the witness shown herein on 2 December 8, 2022. 3 4 I further certify that pursuant to FRCP 5 Rule 30(3) that the signature of the deponent: 6 7 _XX_ was requested by the deponent or a 8 party before the completion of the deposition and 9 that the signature is to be before any notary public 10 and returned within 30 days from date of receipt of 11 the transcript. 12 13 If returned, the attached Changes and 14 Signature Page contains any changes and the reasons 15 therefore: 16 17 ____ was not requested by the deponent or 18 a party before the completion of the deposition. 19 20 I further certify that I am neither 21 counsel for, related to, nor employed by any of the 22 parties or attorneys in the action in which this 23 proceeding was taken, and further that I am not 24 financially or otherwise interested in the outcome of 25 the action.</p>	
<p>175</p> <p>1 Certified to by me on this, the 8th day 2 of December, 2022. 3 4 5 6 VANESSA J. THEISEN, Texas CSR, RPR Texas Cert No. 3238 Expiration Date: 10/31/23 7 Integrity Legal Support Solutions Firm Registration No. 528 8 9901 Brodie Ln., Ste. 160-400 Austin, Texas 78748 9 (512) 320-8690 www.integritylegal.support 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	